

REMARKS

Claims 9-12, 14, 19, 23-45, 47, 48, 50, 51 and 53-70 are pending in this application, with claims 9-12, 23, 27, 32, 37, 47, and 50 being independent. Claims 23-45 have been previously withdrawn. New claims 53-70 have been added. Support for the new claims may be found in the application at least on page 32, lines 6-8. No new matter has been added.

Independent claims 9 and 10 have been rejected as being unpatentable over Terada (U.S. Patent No. 6,280,559) in view of Bando (U.S. Patent No. 5,276,999) and Yoneda (U.S. Patent No. 6,392,340). Applicants request reconsideration and withdrawal of this rejection for at least the same reasons set forth in the response mailed on March 29, 2006 to the Final Office Action mailed on December 29, 2005.

Independent claims 11 and 12, along with their dependent claims 14 and 19, have been rejected as being unpatentable over Terada in view of Bando, Yoneda, and King (U.S. Patent No. 4,963,788) and considered in light of Lee (Article entitled "Lunar Building Materials – Some Considerations on the Use of Inorganic Polymers"). Applicants request reconsideration and withdrawal of this rejection for at least the same reasons set forth in the response mailed on March 29, 2006 to the Final Office Action mailed on December 29, 2005.

Independent claims 47 and 50, along with their dependent claims 48 and 51, have been rejected as being unpatentable over Terada in view of Bando, Yoneda and Matthies (U.S. Patent No. 6,476,783) and considered in light of Lee, and over Terada in view of Bando, Yoneda and King and considered in light of Lee. Applicants request reconsideration and withdrawal of this rejection for at least the same reasons set forth in the response mailed on March 29, 2006 to the Final Office Action mailed on December 29, 2005.

In an advisory action mailed on April 17, 2006, the Examiner responded to the arguments asserted by applicants in the response mailed on March 29, 2006 by stating:

Yoneda et al. teaches that it is conventional to form a red light-emitting element, a green light-emitting element, and a blue light-emitting element in a light-emitting device. Using structures conventionally known in an art offers time-saving advantages, since it is not necessary to develop new technologies. Therefore, that a structure is conventional in an art is itself an advantage, so the combination of Yoneda et al. with Terada et al. and Bando is proper. Yoneda et al. might offer alternative advantages of not using separate red, green, and blue light-emitting elements, but does not teach away from the conventionality of using them.

Applicants submit that the Examiner is again not asserting a proper motivation or suggestion to combine. Yoneda does not suggest that use or application of its “conventional” structure leads to time-saving advantages. Rather, the Examiner is inferring this advantage based on the reasoning that a “conventional” structure is a known structure and, therefore, does not require that time be spent developing a new technology. The Examiner’s reasoning, however, effectively reads the motivation requirement out of establishing a prima facie case of obviousness. Taking the Examiner’s reasoning to its logical end, all combinations with any known art would be motivated by the mere convenience of leveraging the known technology. This is not proper.

A motivation to combine requires that “the references themselves must provide some teaching whereby the applicant’s combination would have been obvious” (emphasis added). *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). Yoneda provides no such teaching that modifying Terrada in the manner suggested by the Examiner would lead to time-saving advantages. Rather, Yoneda simply describes a particular LCD structure as being known or conventional in the art.

Applicants submit that all claims are in condition for allowance.

The fee in the amount of \$910 in payment for the Request for Continued Examination fees is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

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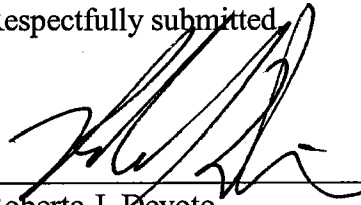
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Respectfully submitted,



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